

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. OSAB 2002-35
	)	Discrimination Complaint
CRAIG A. GOMES,	)	
	)	ORDER NO. 39
Complainant,	)	
	)	ORDER DENYING COMPLAINANT'S
vs.	)	REQUEST TO CONTINUE DEADLINES
	)	AND DENYING COMPLAINANT'S
HAWAIIAN ELECTRIC COMPANY,	)	REQUEST FOR RECONSIDERATION
	)	
Respondent,	)	
	)	
and	)	
	)	
DIRECTOR, DEPARTMENT OF LABOR	)	
AND INDUSTRIAL RELATIONS,	)	
	)	
Appellee.	)	
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ORDER GRANTING COMPLAINANT'S  
REQUEST TO CONTINUE DEADLINES AND  
DENYING COMPLAINANT'S REQUEST FOR RECONSIDERATION

On February 27, 2003, Complainant CRAIG A. GOMES (GOMES) requested that all deadlines be extended for two months because of his heavy work schedule due to the imposition of excessive mandatory overtime. GOMES alleges that the mandatory overtime places an additional burden on him in dealing with this case.

On March 4, 2003, Appellee DIRECTOR, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS (DIRECTOR), by and through his counsel, filed a letter with the Hawaii Labor Relations Board (Board) objecting to Complainant's request, *inter alia*, because there have been numerous delays in this matter and GOMES has sufficient time to rearrange his work schedule for the hearing scheduled in this case on May 12, 2003. On March 6, 2003, counsel for Respondent HAWAIIAN ELECTRIC COMPANY filed a letter objecting to Complainant's request for the two-month postponement because GOMES' work schedule does not constitute good grounds for postponement.

Based upon a review of the record and consideration of the continuances which have already been granted in this matter to date, the Board denied Complainant's motion for continuance.

After being orally advised of the Board's decision, GOMES filed a Request for Reconsideration of Deadline Postponements Due to HECO Assigning Excessive Mandatory Overtime with the Board on March 7, 2003. GOMES requested reconsideration, arguing, inter alia, that the DIRECTOR's objection to the postponement is based on a false assumption that the overtime is not mandatory. GOMES further argues that he was not given overtime since October 2001 and is now assigned overtime allegedly to prevent him from working on this case.

In considering the instant request for reconsideration, "[t]he purpose of a motion for reconsideration is to allow the parties to present new evidence and/or arguments that could not have been presented during the earlier adjudicated motion." Amfac, Inc. v. Waikiki Beachcomber Inv. Co., 74 Haw. 85, 114, 839 P.2d 10 (1992). In this case, GOMES has not presented any new evidence or arguments to persuade the Board to reconsider its denial of his request to postpone the deadlines in this case. Accordingly, the Board hereby denies Complainant's request for reconsideration.

DATED: Honolulu, Hawaii, March 28, 2003.

HAWAII LABOR RELATIONS BOARD

  
BRIAN K. NAKAMURA, Chair

  
CHESTER C. KUNITAKE, Member

  
KATHLEEN RACUYA-MARKRICH, Member

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the trial date.

Copies sent to:

Craig A. Gomes  
Sherri-Ann Loo, Esq.  
Leo B. Young, Deputy Attorney General